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8 *Attorneys for JESSICA SHEARER, individually,*
9 *and as co-administrator of the Estate of Jill Cote;*
JOIANNE MADRID, individually, and as
co-administrator of the Estate of Jill Cote

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 * * * * *

14 TALCOTT RESOLUTION LIFE AND ANNUITY
15 COMPANY

16 Plaintiff

17 v.

18 ESTATE OF JILL COTE, JESSICA SHEARER
19 JOIANNE MADRID AND DAVID COTE

20 Defendants.

21 JESSICA SHEARER

22 Cross-Claimant

23 v.

24 DAVID COTE

25 Cross-Defendant.
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Case No. 2:18-cv-01688

**STIPULATION TO STAY
LITIGATION PENDING
SETTLEMENT CONFERENCE
/ARBITRATION**

1 DAVID COTE

2 Cross-Claimant

3 v.

4 JESSICA SHEARER, individually, and as co-
5 administrator of the Estate of Jill Cote; JOIANNE
6 MADRID, individually, and as co-administrator of
7 the Estate of Jill Cote; DAVID BINDRUP
8 LAW FIRM, PLLC; MATTHEW L. JOHNSON &
9 ASSOCIATES, P.C.; DOES I through X, inclusive;
and ROES I through X, inclusive.

10 Cross-Defendants.

11 IT IS HEREBY STIPULATED AND AGREED, by and between JESSICA SHEARER,
12 JOIANNE MADRID, DAVID COTE, MATTHEW L. JOHNSON & ASSOCIATES, P.C., and
13 DAVID BINDRUP LAW FIRM, PLLC (collectively, the “Parties”), by and through their respective
14 counsel, and the Parties hereby jointly move this Court, to stay all proceedings, both P-17-092970-E
15 in the Eighth Judicial District Court of Nevada and Case No. 2:18-cv-01688 in the United States
16 District Court of Nevada, in order to mediate with an available magistrate judge or private mediator.
17 More specifically, the Parties stipulate as follows:

18 All pending pleading deadlines and any and all other deadlines are hereby stayed in both P-
19 17-092970-E in the Eighth Judicial District Court of Nevada and Case No. 2:18-cv-01688 in the
20 United State District Court of Nevada, effective immediately. Such stay shall remain in place
21 pending the outcome of the settlement conference/mediation. Such stay shall be lifted upon the
22 determination of the available mediator/arbitrator/magistrate judge that all legal matters were not
23 resolved by the parties.
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- 25 A. The Parties shall engage in mediation with either an available magistrate judge, a
26 mutually agreed private mediator/arbitrator, or through any other program which may be
27 agreed to by the parties as soon as reasonably possible. Jessica Cote, et al. shall pay
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1 eighty percent (80%) of any and all fees and costs associated with the mediation and
2 David Cote shall pay twenty percent (20%) of any and all fees and costs associated with
3 the mediation.

4 B. All Parties shall act in good faith with respect to the agreement as to who shall serve
5 as the mediator/arbitrator and scheduling a time to conduct the mediation/arbitration as
6 soon as reasonably possible.

7 C. No discovery, pleadings, rulings of the Court, or any other filings shall occur during
8 this time period, not limited to but including pleadings which would require any
9 responsive pleadings from any other party herein.

10 D. The David Bindrup Law Firm hereby certifies, through its authorized representative,
11 Katie Bindrup, Esq., that it currently holds \$49, 649.56 of funds belonging to the Estate
12 of Jill Cote in its Attorney-Client Trust Account. The David Bindrup Law Firm further
13 certifies through Katie Bindrup, Esq., that it expects to receive \$29,274.55 of funds
14 belonging to the Estate of Jill Cote from the Bank of the West, and will make proof of
15 the receipt of such funds available to David Cote immediately upon receipt. Upon receipt
16 of the expected \$29,274.55 the David Bindrup Law Firm will hold a total of \$78,924.11
17 of funds belonging to the Estate of Jill Cote.

18 E. No distributions or payments shall be made from the Estate of Jill Cote during this
19 time without a Court order or a stipulation and order agreed to by the Parties.
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1 F. If the Parties are unable to resolve this matter, any outstanding discovery, responses,
2 or pleadings will be due within the longer of 10 days after the parties met for
3 mediation/arbitration or the date that the discovery, response, or pleading was originally
4 due.

5 IT IS SO STIPULATED.

6 DATED: May 3, 2019.

7 DAVID BINDRUP LAW FIRM, PLLC

8 ANTHONY L. BARNEY LTD.

9 /s/ Katie Bindrup

/s/ Zachary D. Holyoak

10 KATIE BINDRUP (12181)
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12 Attorneys for JESSICA SHEARER,
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18 JOHNSON & GUBLER, P.C.

19 /s/ Russell G. Gubler

20 RUSSELL G. GUBLER (10889)
21 8831 W. Sahara Avenue
22 Attorneys for JESSICA SHEARER,
23 JOIANNE MADRID and
24 MATTHEW L. JOHNSON & ASSOCIATES, P.C.

25 **ORDER**

26 IT IS HEREBY ORDERED the Stipulation by the Parties is affirmed and adopted.

27 IT IS FURTHER ORDERED that this matter is stayed as agreed by the Parties.

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1 IT IS FURTHER ORDERED that the deadlines will be continued as agreed to by the Parties
2 herein, and that the Parties will act with respect to the settlement conference as agreed to by the
3 Parties herein.

4 IT IS SO ORDERED.

5 Dated this 7th day of May, 2019



6 Cam Ferenbach
7 United States Magistrate Judge
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10 Submitted By:
11 JOHNSON & GUBLER, P.C.

IT IS HEREBY ORDERED that a status hearing
is scheduled for 10:00 AM, September 4, 2019,
in Courtroom 3D.

12 /s/ Russell G. Gubler

13 RUSSELL G. GUBLER (10889)
14 8831 W. Sahara Avenue
15 Attorneys for JESSICA SHEARER,
16 JOIANNE MADRID and
17 MATTHEW L. JOHNSON & ASSOCIATES, P.C.
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